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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,445	03/16/2004	Hwa-Jin Lee	678-1327 (P11268)	2009
28249	7590	11/25/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			DAGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,445

Applicant(s)

LEE, HWA-JIN

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

Figure 5b is objected to and the examiner requires either clarification and/or a drawing correction. When comparing figures 5a to 5b, the examiner notes that 30a in figure 5a points to the auxiliary display while 30b in figure 5b appears to point to the “device” rather than the “auxiliary display”. The examiner believes that the line representing 30b should be extended to point to/touch the auxiliary display.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

a. **Claim 3** rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The “slip dialog” is critical or essential to the practice of the invention as described in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The term/concept “slip dialog” is not well defined and the examiner does not understand what the applicant is attempting to convey with this claim. The specification merely discloses that it’s existence but does not describe what it is or how it is enabled:

“...The auxiliary display area is not a fixed area for displaying preset information therein but an area for displaying various types of information according to events, variable in at least one of size and position. A slip dialog component is preferably used to realize this variable auxiliary display area. The slip dialog component refers to an expanded dialog component including a command bar, which is opened upward....”

Is it supposedly well known in the art? No new matter may be introduced.

b. Claim 7

MPEP 2106 states:

If the disclosure fails to disclose any program and if more than routine experimentation would be required of one skilled in the art to generate such a program, the examiner clearly would have a reasonable basis for challenging the sufficiency of such a disclosure.

The amount of experimentation that is considered routine will vary depending on the facts and circumstances of individual cases. No exact numerical standard has been fixed by the courts, but the "amount of required experimentation must, however, be reasonable." White Consol. Indus., 713 F.2d at 791, 218 USPQ at 963. One court apparently found that the amount of experimentation involved was reasonable where a skilled programmer was able to write a general computer program, implementing an embodiment form, within 4 hours. Hirschfield v. Banner, 462 F. Supp. 135, 142, 200 USPQ 276, 279 (D.D.C. 1978), aff'd, 615 F.2d 1368 (D.C. Cir. 1986), cert. denied, 450 U.S. 994 (1981). On the other hand, another court found that, where the required period of experimentation for skilled programmers to develop a particular program would run to 1 to 2 man years, this would be "a clearly unreasonable requirement" (White Consol. Indus., 713 F.2d at 791, 218 USPQ at 963).

A "pseudo-code and/or flow chart" diagram showing the steps required would clarify this issue and may overcome this rejection. The applicant must only provide "steps" that are supported by the specification so that no new matter is introduced.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashida et al. US 2004/0198457 and further in view of Hansson US 6,023,620 and Luo US 2003/0144024.

As per **claims 1, 4 and 7**, Hayashida teaches a mobile terminal for displaying a variable auxiliary display area (title, abstract, figure 1) comprising:

A "memory" for storing information about the auxiliary display area, which is variable in at least one of size, position, and represented information (figure 2, #34),
an input portion for receiving a control signal according to user key manipulation (figure 2, #36) and a signal from a wireless network (figure 2, #31-33),

a controller for analyzing a signal received from the input portion (figure 2, #35 is a controller with subcomponents that analyze input and/or received wireless data),

reading auxiliary display area information corresponding to the analyzed signal from the auxiliary display area information storage, and generating a display control signal according to the auxiliary display area information (figure 2, #35a thru e teaches detecting an event, character search/count, size determining unit and display controller which all combine to read/analyze received/inputted data and then generate display control signals to an auxiliary display area); and

a display for displaying the auxiliary display area according to the display control signal (figure 1 shows two different displays while figures 4a-4e shows how the second display can be modified to display in different sizes and locations based on what is to be displayed. Also see figures 5a-5e and 6a-6e as well as Para's #0007 to 0013 which

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describes changing the display. Note that these figures also show a “fixed” portion of the screen which displays battery, signal strength, etc.),

but is silent on an auxiliary display area information storage.

The primary examiner notes that the use of one or multiple memories to store display data is not novel in itself but rather a design choice. Hence one skilled would either provide for one memory to hold data for both displays (as taught by Hayashida) or for two/multiple memories which only store data for their respective displays.

To further provide evidence, the examiner puts forth **Hansson** and **Luo** who both teach use of two/multiple memories. Hansson shows a mobile device with two memories (figure 1) whereby software is downloaded to two different memories. One skilled appreciates that the software could be downloaded to one memory as well. Luo shows a mobile device with multiple memories as well (see figure 1).

With further regard to claim 4, Hayashida teaches awaiting generation of an event that triggers display of the auxiliary display area, which is variable in at least one of size, position, and represented information (figure 2, #35a);

determining a type of the event depending upon the generation of the event (figure 3, Step 2 teaches detecting an event and determining it's category, which reads on a “type of event” since Hayashida teaches determination of a call or email);

reading auxiliary display area information corresponding to the event type from stored auxiliary display area information AND displaying the auxiliary display area according to the read auxiliary display area information (see figures 4a thru 6e which show reading display information and displaying it in auxiliary display area).

With further regard to claim 7, Hayashida teaches a flow chart (figure 3) which outlines the steps that are performed by the software code/program executing on the device's processor.

It would have been obvious to one skilled in the art at the time of the invention to modify Hayashida, such that there is an auxiliary display area information storage, to provide means for having multiple storage areas, one each for each display.

As per **claim 2**, Hayashida teaches claim 1, wherein the auxiliary display area information comprises:

size information for the auxiliary display area to be displayed AND position information for the auxiliary display area in an overall display area of the mobile terminal AND basic data represented in the auxiliary display area AND position information for the basic data (figure 2, #35a-e teaches the device determining the amount/size of information that is to be displayed and how/where it is to be displayed, eg. if a large amount of information, then make the font smaller and fit the information into a larger screen area – see figures 4a thru 6e which shows size, position and area used in making display decisions).

As per **claim 5**, Hayashida teaches claim 4, wherein the event is generated by one of a control command and a signal received from a wireless network (figure 2, #35a teaches detecting an event which may be a received call/message).

As per **claim 6**, Hayashida teaches claim 4, wherein the step of reading the auxiliary display area information comprises reading information about a position and a size of the auxiliary display area corresponding to the event type, basic data included in the auxiliary display area, and a position of the basic data (figure 2, #35a-e teaches the device determining the amount/size of information that is to be displayed and how/where it is to be displayed, eg. if a large amount of information, then make the font smaller and fit the information into a larger screen area – see figures 4a thru 6e which shows size, position and area used in making display decisions).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kaehler US 5,128,672
2. Noto US 4,885,580
3. Moriyama US 6,624,801
4. Attar et al. US 2004/0030596

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner

